

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JAMES MCFARLIN,

Plaintiff,

v.

No. 19-CV-01106-JAP-GJF

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF ROOSEVELT,

Defendant.

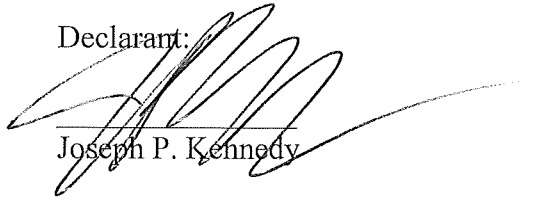
DECLARATION OF ATTORNEY JOSEPH P. KENNEDY

I, Joseph P. Kennedy declare:

1. I am the attorney representing Plaintiff in this matter.
2. In reviewing Defendants' motion for summary judgment, I noted that Defendant cites to deposition testimony of Plaintiff and comments of the District Court judge who sentenced Plaintiff.
3. The criminal acts of Plaintiff occurred over a thirty-minute time frame.
4. The statements of Plaintiff did not reference time as it related to the use of deadly force against Plaintiff.
5. Defendant has made the argument that Plaintiff's admission that he endangered lives should preclude him from claiming that the use of force was unjustified. However, a critical element for consideration is exactly when Plaintiff's actions endangered lives.
6. Plaintiff would like to take the deposition of Sheriff Parker, Deputy Meeks, Deputy Boan, and Deputy Williamson to determine exactly what the threat that Plaintiff posed to them and others at the moment of shooting.
7. The facts developed will inform the *Graham* inquiry as to whether Mr.

McFarlin's actions were an imminent threat to anyone at the time of shooting and whether the shooting was justified.

Declarant:

A handwritten signature in black ink, appearing to be 'JP Kennedy', written over a horizontal line.

Joseph P. Kennedy